

Employment (Administrative Penalties) Regulations 2016

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THE SCHEDULE Administrative penalties

No. S 149

EMPLOYMENT ACT (CHAPTER 91)

EMPLOYMENT (ADMINISTRATIVE PENALTIES) REGULATIONS 2016

In exercise of the powers conferred by section 139 of the Employment Act, the Minister for Manpower makes the following Regulations:

Citation and commencement

1. These Regulations are the Employment (Administrative Penalties) Regulations 2016 and come into operation on 1 April 2016.

Administrative penalties

2. For the purposes of section 126B(1) and (3) of the Act, the administrative penalties specified in the second and third columns of the Schedule are payable in respect of the civil contraventions specified opposite in the first column.

Request for internal reconsideration

3.—(1) For the purposes of section 126C(1)(a) of the Act, a request by an employer for an internal reconsideration of a contravention notice must be made within 14 days after the employer receives the contravention notice.

(2) An employer may withdraw a request for an internal reconsideration of a contravention notice at any time before the reviewing authorised officer confirms or cancels the contravention notice under section 126C(3) of the Act.

(3) A request for an internal reconsideration or a withdrawal of the request (as the case may be) must be made in the form and manner specified on the official website of the Ministry of Manpower at <http://www.mom.gov.sg>.

(4) A request for an internal reconsideration is treated as withdrawn if after the request is made but before the reviewing authorised officer confirms or cancels the contravention notice, an initial authorised officer is served with an originating summons concerning an appeal to the General Division of the High Court against the same contravention notice that is the subject of the request.

[S 1029/2020 wef 02/01/2021]

(5) A reviewing authorised officer may refuse to reconsider a contravention notice if the request for an internal reconsideration is not made in compliance with paragraph (1) or (3).

Appeal to General Division of High Court

4.—(1) For the purposes of section 126C(1)(b) of the Act, an appeal by an employer to the General Division of the High Court against a contravention notice must be made within 14 days after the employer receives the contravention notice.

[S 1029/2020 wef 02/01/2021]

(2) For the purposes of section 126C(4) of the Act, an appeal by an employer to the General Division of the High Court against a reviewing authorised officer's decision under section 126C(3) of the Act must be made within 14 days after the employer receives the reviewing authorised officer's decision.

[S 1029/2020 wef 02/01/2021]

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Issuance of documents

5.—(1) A document that is required by Part XVA of the Act or these Regulations to be issued to any person may be issued as described in this regulation.

(2) A document required by Part XVA of the Act or these Regulations to be issued to an individual may be issued —

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, to the individual's residential address or business address;
- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the last email address of the individual.

(3) A document required by Part XVA of the Act or these Regulations to be issued to a partnership (other than a limited liability partnership) may be issued —

- (a) by giving it to any partner, secretary or other like officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the last email address of the partnership.

(4) A document required by Part XVA of the Act or these Regulations to be issued to a body corporate (including a limited liability partnership) or an unincorporated association may be issued —

- (a) by giving it to the secretary or other like officer of the body corporate or the unincorporated association, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office of the body corporate or unincorporated association;